THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION No : 16223 of 2005

Dated: 05-08-2005

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Between:

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M.Padmavathi, W/o. Venkateswarlu,

Fair Shop Dealer of Polireddypalem Village,

Doravari Satram Mandal, Nellore District.

Petitioner…

And

The District Collector, Nellore and others.

Respondents…

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ORDER:

Heard Sri V. Sudhakar Reddy, learned counsel for the petitioner, and the learned Government Pleader for Civil Supplies, and at their request the writ petition itself is disposed of, at the stage of admission.

The grievance of the petitioner is that despite the order of this Court in WPMP.No.13752 of 2004 in W.P.No.10829 of 2004, dated 29-06-2004, suspending the order of the

1st respondent - District Collector, Nellore, dated 12-07-2004, directing the 2nd respondent - Revenue Divisional Officer, Gudur, and the 3rd respondent – Mandal Revenue Officer, Doravari Satram Mandal, Nellore District, to continue the petitioner as Fair Price Shop dealer until disposal of the said writ petition,

the 3rd respondent, without authority of law and at the behest of local politicians, refused to effect supplies of essential commodities to the petitioner, even though the control order does not confer any such power on the 3rd respondent to stop supply of essential commodities. Inasmuch as, serious allegations have been made against the

3rd respondent, this Court passed an order on 25-07-2005 directing the 3rd respondent to be present in Court on

29-07-2005 to explain the reasons for interfering with supply of essential commodities to the petitioner, despite the petitioner's willingness to make payment by way of Demand Draft. In compliance with the order of this Court dated

25-07-2005 the 3rd respondent was present in the Court on

29-07-2005 and the matter was adjourned to today i.e.

05-08-2005, so as to enable him to file his counter affidavit.

The 3rd respondent is present in the Court today and has filed a counter affidavit wherein the allegation that he was acting at the behest of the M.L.A. and local politicians is denied.

It is also stated that the reason for non-supply of essential commodities is only due to the fact that the petitioner had not submitted the Demand Drafts. Though this explanation given in the counter affidavit is not satisfactory, I do not wish to probe further into the matter, in view of the submission of the learned counsel for the petitioner that the petitioner had submitted Demand Drafts and part supply of essential commodities has already been effected by the

3rd respondent. It is also submitted that the petitioner has submitted Demand Drafts today for the remaining extent of supplies of essential commodities to be effected by the

3rd respondent, who, through the learned Government Pleader assures that supplies would be effected forthwith.

Learned Government Pleader, while conceding that under the control order, the 3rd respondent does not have any authority to act in the manner he did, submits that in view of his specific averment that he holds the orders of this Court in high regard, a lenient view may be taken by this Court,

more so, since the 3rd respondent has already initiated steps to effect supply of the essential commodities to the petitioner.

Recording the said statement of the 3rd respondent, that he would not interfere in the matter and that on receipt of the Demand Drafts from the petitioner, he would effect supply of the essential commodities, I consider it appropriate to treat the matter as closed. The writ petition is accordingly closed. No order as to costs.

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RAMESH RANGANATHAN, J

Dated: 05-08-2005

LSK